

48.(New) The woven fabric of Claim 28 wherein said fabric exhibits a lower degree of pilling at said at least one mechanically treated surface than a surface of a comparative woven fabric of the same yarn composition and weave construction that has been mechanically treated but does not exhibit a nicked appearance.

REMARKS

Claims 25-48 are pending within this application. Claims 1-24 have been canceled.

Claims 25-48 have been added. No claims have been amended.

The new claims include limitations that are taught throughout the originally filed specification, as well as within the examples. The nicked appearances of the target surface fibers are discussed on page 9, at least. The remaining limitations, including the polyester/cotton yarns, fill strength measurements, etc., are all taught, at least within the examples. No new matter has been added. Entry and due consideration thereof are therefore respectfully requested.

The Office has rejected Claims 1-24 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Pat. Nos. 6,112,381 and 6,230,376, as well as U.S. Pat. Appl. No. 09/777,444. Applicants herein submit proper Terminal Disclaimers to overcome such rejections.

The Office's indefiniteness rejections have been overcome with the amendments above and are now moot. The requirements of the yarn and fiber compositions, structures, nicked appearances, etc., have been incorporated from the specification to provide the necessary limitations for correlation with the performance characteristics within the pending claims.

The Office has also rejected Claims 1-6, 9, 10, 13, 14, 17, 18, and 20-24 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Otto. Applicants respectfully disagree with this rejection simply because, contrary to the Office's position, the claimed fabrics are nicked, in other words, immobilized and then abraded, sanded, or sueded, in order to provide a softer hand fabric with improved fill tensile strength retention. Otto merely teaches the sanding of a fabric with repeated sandpaper treatments. The fibers of Otto's are pulled from the surface, and the warp and fill yarns are both roughly treated within such a sanding procedure. The fill yarn tensile strength of Otto's treated fabrics is thus reduced at a much greater level than that now claimed. As discussed within the original specification, particularly at page 8, from the first line to the next page, the immobilized fabrics are like films wherein the fibers therein are not pulled away, but are individually nicked (as long as they are contacted with the sander, abrader, and/or sueder). Such immobilization, and thus nicking of the yarns and fibers permits the high fill tensile strength retention levels of the present claims. It is thus evident that Otto fails to teach or fairly suggest the nicked appearances and thus high fill tensile strength retention levels since he is limited to the aforementioned straightforward sanding procedures without any immobilization or otherwise fabric/film-production steps required to achieve the instantly claimed fabrics.

Likewise, the obviousness-based rejections of all of the claims in view of Willbanks are improper for much the same reasons. Willbanks teaches hydroentanglement, wherein the target fabrics are treated with high pressure water to produce a napped surface. Nicking, and thus, high tensile strength retention levels, are unavailable with such a procedure, most notably because any

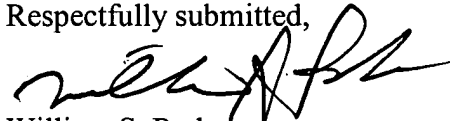
type of immobilization of fibers needed to impart the required nicked appearances would be nonexistent within a water-based treatment system. Size would wash away, as would ice. Yarn and/or fiber nicking requires actual contact with a hard surface. Hydroentanglement merely pulls (and/or pushes) surface fibers out of a fabric to form, as in Otto, a napped surface. No nicking is possible. In addition, the ability for water to penetrate different portions of the target fabric would result in greater degrees of treating fill yarns such that they would be weakened as well, resulting in a greater reduction in fill tensile strength level than is instantly claimed. Lastly, both references would exhibit napped pile fabrics, as opposed to nicked fiber surfaces, and thus would inherently exhibit greater pilling characteristics than the nicked fiber inventive fabrics. These are thus improper references, particularly in view of the amendments above. Reconsideration and withdrawal thereof are thus earnestly solicited.

CONCLUSION

In view of all of the previous amendments and remarks, it is respectfully submitted that the pending claims are now in condition for allowance and it is requested that this application be passed on to issue.

May 8, 2003

Respectfully submitted,



William S. Parks

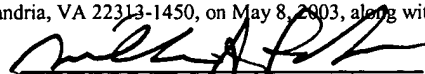
Attorney for Applicants

Registration No. 37,528

Telephone Number: (864) 503-1537

CERTIFICATE OF MAILING

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William S. Parks, Attorney for Applicants